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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/381,573	09/17/99	BLUM	S 35763/DBP

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QM12/1004

EXAMINER
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TRAN, K

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/381,573

Applicant(s)

Blum et al.

Examiner

Kim N. Tran

Group Art Unit

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- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-21 is/are pending in the applicant
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 2, 6-8, 10, 11, 13, 15, 17, 19, and 20 is/are rejected.
- ☒ Claim(s) 3-5, 9, 12, 14, 16, 18, and 21 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☒ The proposed drawing correction, filed on 3/3/00 is ☒ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 8
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it should be limited to a single paragraph; in line 33, "Figure 5" should be eliminated. Correction is required. See MPEP § 608.01(b).

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***Claim Rejections - 35 USC § 112***

4. Claims 11, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, it is unclear how the clamping elements correspond in shape and action to close tolerance screws. Is the clamping element the same as the “hydraulic clamping element cited in claim 1?

In claim 13, it is unclear what the “lift restricting elements” encompass.

In claim 17, it is unclear what a “suitable tool” encompasses and how it motorizes the guide spindles.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 6, 7, 8, 10, 15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamby et al. in view of Rabidou and Fischer. Hamby et al. discloses the invention substantially as claimed including a two circular saw blades (10), centrally aligned shaft (20), support bodies (26) guide spindles that are parallel to the drive shaft and mounted an

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equally distance from the axis. Hamby et al. does not disclose a stud attachment or hydraulic clamping element. However, Rabidou teaches a stud attachment (page 3, col. 1, lines 11-27) and Fischer a hydraulic clamping element (col. 1, lines 56-68). In view of Radidou and Fischer, it would have been obvious to one of ordinary skill in the art to provide a stud element that provides a means to shift the cutter laterally and hydraulic clamping element to provide a more evenly distributed clamping force.

#### ***Allowable Subject Matter***

7. Claims 11, 13, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claims 3-5, 9, 12, 14, 16, 18, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pearson, Miller et al., Koskela, Stewart et al., Lauderbaugh et al., Tokuno et al., Gorner et al., Mariani, and Laster et al. are cited to show related devices.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Tran whose telephone number is (703) 305-2597.

11. Any general inquiry relating to this application can be directed to the Group receptionist at (703)-308-1148 or Supervisory Patent Examiner, Rinaldi Rada, at (703)-308-2187. Please submit facsimiles to the Group fax number at (703)-305-3579.



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700



knt  
September 26, 2000